## REMARKS

The Office Action of February 1, 2008 has been received and carefully reviewed. It is submitted that, by this Response and previous Responses submitted, all previous (note there are no rejections or objections in the current "Office Action") bases of rejection and objection are traversed and overcome. Claims 1-6, 8-16 and 18-26 remain in the application. Reconsideration of the claims is respectfully requested.

Applicants again refer the Examiner to all of the remarks/arguments presented in the After Final amendment dated September 6, 2007, as well as to the remarks/arguments presented in the Preliminary amendment dated January 7, 2008.

Applicants submit that the "Office Action" dated February 1, 2008 is an improper Office Action, and request that a further **non-final**, proper Office Action be issued in its place. In the instant Action, the Examiner has not made any rejections of the claims. Instead, he has merely repeated the previous Examiner's reasons for allowance of the claims, and stated that he disagrees with the previous Examiner. He concludes that there are "no incredible step[s]" in the pending claims. The Applicants are not aware of any statutory or judicial definitions of "incredible steps." There are no rejections under 35 U.S.C. § 112, nor are there any rejections under 35 U.S.C. §§ 102 or 103 over any prior art.

As such, it is submitted that the instant Action is improper, and Applicants have no way of evaluating and responding to the same. Both the MPEP and 37 C.F.R. speak to the Examiner's duty to render a clearly understandable Office Action:

**MPEP § 706 Rejection of Claims [R-5]**

> After the application has been read and the claimed invention understood, a prior art search for the claimed invention is made. With the results of the prior art search, including any references provided by the applicant, the patent application should be reviewed and analyzed in conjunction with the state of the prior art to determine whether the claims define a useful, novel, nonobvious, and enabled invention that has been clearly described in the specification. **The goal of examination is to *clearly articulate* any rejection early in the prosecution process so that the**

> **applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity**. (emphasis added)
>
> ***37 CFR 1.104. Nature of examination.***
>
> (c) *Rejection of claims.*
>
> (1) If the invention is not considered patentable, or not considered patentable as claimed, the claims, or those considered unpatentable will be rejected.
>
> (2) **In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command.** When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified. (emphasis added)

As stated above, the Examiner has **not** clearly articulated his rejections, contrary to the requirement under MPEP § 706; nor has he cited the best references at his command (he did not cite any), contrary to the requirement under 37 C.F.R. § 1.104.

For the reasons as set forth above, Applicants request that a further **non-final**, proper Office Action be issued in place of the instant improper Action.

In summary, claims 1-6, 8-16 and 18-26 remain in the application. It is submitted that, through this Response, Applicants' invention as set forth in these claims is now in a condition suitable for allowance.

Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, he is invited to contact Applicants' Attorney at the below-listed telephone number.

Respectfully submitted,

DIERKER & ASSOCIATES, P.C.

/Julia Church Dierker/

Julia Church Dierker
Attorney for Applicants
Registration No. 33368
(248) 649-9900, ext. 25
juliad@troypatent.com

3331 West Big Beaver Rd., Suite 109
Troy, Michigan 48084-2813
Dated: May 1, 2008
JCD/jc